

### **REMARKS**

Claims 1-24 were pending in the application. Claims 2, 14 and 18 have been cancelled herein without prejudice. Claims 1, 11, 13, 15 and 17 are independent.

Claims 1, 3-13, 15-17 and 19-24 have been amended for non-statutory reasons, for example to remove reference designators. Claim 3 has also been amended to remove the typographical error "1m" on line 1. The independent claims have been amended to clarify the claimed subject matter. No new matter is entered.

#### **Priority**

The Office action indicates that there is a claim for foreign priority. However, applicant has claimed the benefit of US provisional applications 60/487423, filed on 7/15/03 and 60/541870, filed on 2/4/04. There is no claim for foreign priority.

#### **Objection to the Specification**

Applicant thanks the Examiner for providing information about recommended section headings. However, applicant respectfully declines to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

#### **Objections to the Claims**

The claims have been amended herein to obviate the objections.

#### **Rejections of the Claims**

Claims 1-12 and 15-24 stand rejected under 35 U.S.C. 103(a) over Scherzer et al. (Scherzer) (US 7,031,336) in view of Jeong et al. (Jeong) (US 2006/0111103).

Claims 13 and 14 stand rejected under 35 U.S.C. 103(a) over Scherzer, Jeong and Ala-Laurila et al. (Ala-Laurila). Applicant respectfully traverses these rejections.

Applicant's claim 1 includes in part: "sending by the particular Access Point a probe response message to the STA in response to the probe request message after the PIFS without the particular Access Point performing a backoff interval."

On page 7 of the Office action it is asserted the Jeon teaches the claimed feature (directed to former claim 2) at paragraph 12. However, a review of paragraph 12 only finds a discussion that a PIFS is only used to gain priority access to a channel at the start of a contended free period and that the PIFS is longer than a SIFS gap. Paragraph 11 indicates that SIFS is the shortest gap. Paragraph 10 states that the IFS type specifies the Interframe Space duration and an IFS differs in length according to the priority of the frames being transmitted.

However, none of these paragraphs suggest the claimed feature of sending .... after the PIFS without the particular Access Point performing a backoff interval. Contrary to the assertions on page 7 of the Office action, there is no discussion in Jeong that: "If access is priority based .... it is, thus, without performing backoff. Instead Jeong describes that the priority is based on the different types of IFS.

Therefore, the combination of references fails to teach or suggest each and every feature recited in claim 1 and the rejection should be withdrawn.

Dependent claims 2-10 depend upon and incorporate by reference all the features of allowable claim 1. Furthermore, each dependent claim includes additional distinguishing features. For each dependent claim, Applicant essentially repeats the above arguments from claim 1 and apply them to each respective dependent claim. Thus, Applicant respectfully submits that claims 1-10 are allowable and respectfully request the withdrawal of the rejection under 35 U.S.C. §103.

Each of applicant's additional independent claims 11, 13, 15 and 17 have been amended to include a feature similar to "without performing a backoff interval." Each of the independent claims is different from the other and should be interpreted on its own merits. However, since the combination of references fails to teach or suggest the features of *without the particular Access Point performing a backoff interval*, applicant essentially repeats the above argument for each independent claim based upon the

specific interpretation of that independent claim. Similarly the additional dependent claims depend upon and incorporate by reference all the features of their respective allowable base claim. Furthermore, each dependent claim includes additional distinguishing features. Thus, Applicant respectfully submits that the pending claims are allowable and respectfully request the withdrawal of the rejection under 35 U.S.C. §103.

The additional reference Ala-Laurila cited against claims 13 and 14 does not in any way cure the deficiencies of Scherzer and Jeong as noted above and applied to claims 13 and 14. Assuming, just for argument sake, that this combination of references is proper, the combination still would not suggest all the recited features, for example: sending by said new Access Point a probe response message to the mobile station in response to the probe request message without performing a backoff interval. Therefore, it is respectfully requested this rejection be withdrawn.

An earnest effort has been made to be fully responsive to the examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,  
/Brian S. Myers/  
Brian S. Myers  
Registration No.: 46,947  
973-401-7157